

This Document can be made available in alternative formats upon request

State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 423

01/28/2021 Authored by Lucero The bill was read for the first time and referred to the Committee on Rules and Legislative Administration

1.1 A resolution

1.2 memorializing Congress and the President to support the principles of federalism.

1.3 WHEREAS, our nation was organized by the Constitution with a clear division of civil

1.4 authority between the federal government and the individual states; and

1.5 WHEREAS, the Constitution contains several provisions intended to establish and preserve

1.6 that proper balance of civil authority between the federal government and the individual states; and

1.7 WHEREAS, those provisions in the original Constitution include, in Article I, a Senate with

1.8 equal suffrage for all states, equal suffrage for the House of Representatives when selecting a

1.9 President, and a specific limitation of federal authority with the enumerated powers of Congress.

1.10 In Article III there is a specific list of original jurisdictional authorities for the Supreme Court and

1.11 Congressional control of appellate jurisdictional authority for the Supreme Court. In Article V equal

1.12 suffrage is required for all states when proposing and ratifying constitutional amendments; and

1.13 WHEREAS, in the Bill of Rights certain rights of the people are enumerated in the first eight

1.14 amendments and the Ninth Amendment reserves all unremunerated rights for the people; and

1.15 WHEREAS, the Tenth Amendment clearly states: "The powers not delegated to the United

1.16 States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively,

1.17 or to the people"; and

1.18 WHEREAS, James Madison said in Federalist #45: "The powers delegated [that is,

1.19 enumerated] by the proposed Constitution to the federal government are few and defined. Those

1.20 which are to remain in the state governments are numerous and indefinite. The former [federal

1.21 powers] will be exercised principally on external objects, as war, peace, negotiation, and foreign

1.22 commerce; with which last the power of taxation will, for the most part, be connected. The powers

1.23 reserved to the several states will extend to all the objects which in the ordinary course of affairs

2.1 concern the lives, liberties, and properties of the people, and the internal order, improvement, and  
2.2 prosperity of the state"; and

2.3 WHEREAS, James Madison warned in 1792: "If Congress can apply money indefinitely to  
2.4 the 'general welfare,' and are the sole and supreme judges of the 'general welfare,' they may take  
2.5 the care of religion into their own hands; they may establish teachers in every state, county, and  
2.6 parish, and pay them out of the public treasury; they may take into their own hands the education  
2.7 of children, establishing in like manner schools throughout the Union; they may undertake the  
2.8 regulation of all roads other than post roads. In short, everything, from the highest object of state  
2.9 legislation down to the most minute object of police would be thrown under the power of  
2.10 Congress..."; and

2.11 WHEREAS, in 1791 Thomas Jefferson wrote: "I consider the foundation of the Constitution  
2.12 as laid on this ground that 'all powers not delegated to the United States by the Constitution, nor  
2.13 prohibited by it to the states, are reserved to the states or to the people.' To take a single step beyond  
2.14 the boundaries thus specially drawn around the powers of Congress is to take possession of a  
2.15 boundless field of power, no longer susceptible of any definition"; and

2.16 WHEREAS, in 1800 Thomas Jefferson wrote: "What an augmentation [growth] of the field  
2.17 for jobbing, speculating, plundering, office-building, and office-hunting would be produced by an  
2.18 assumption of all the state powers into the hands of the [federal] government. The true theory of  
2.19 our Constitution is surely the wisest and best: that the States are independent as to everything within  
2.20 themselves, and united as to everything respecting foreign nations"; and

2.21 WHEREAS, Richard Henry Lee, in 1788 wrote: "In forming a federal constitution, which  
2.22 ex vi termini, supposes state governments existing, and which is only to manage a few great national  
2.23 concerns, we often find it easier to enumerate particularly the powers to be delegated to the federal  
2.24 head than to enumerate particularly the individual rights to be reserved;" and

2.25 WHEREAS, Supreme Court Justice Joseph Story wrote in 1833: "Let us never forget that  
2.26 our constitutions of government are solemn instruments, addressed to the common sense of the  
2.27 people and designed to fix and perpetuate their rights and their liberties. They are not to be frittered  
2.28 away to please the demagogues of the day. They are not to be violated to gratify the ambition of  
2.29 political leaders. They are to speak in the same voice now and forever. They are of no man's private  
2.30 interpretation. They are ordained by the will of the people and can be changed only by the sovereign  
2.31 command of the people"; NOW, THEREFORE,

2.32 BE IT RESOLVED by the Legislature of the State of Minnesota, on behalf of all the citizens  
2.33 of this individual state, that it renews its commitment to all of the unalienable rights of its citizens  
2.34 and all of the constitutional civil authority reserved for the individual state of Minnesota.

2.35 BE IT FURTHER RESOLVED that the Secretary of State of the State of Minnesota is directed  
2.36 to prepare copies of this memorial and transmit them to the President of the United States, the  
2.37 President and the Secretary of the United States Senate, the Speaker and the Clerk of the United

- 3.1 States House of Representatives, the chair of the Senate Committee on Homeland Security and
- 3.2 Governmental Affairs, the chair of the House Committee on Oversight and Reform, and Minnesota's
- 3.3 Senators and Representatives in Congress.